

**EXECUTIVE DIRECTOR'S
REPORT TO COMMISSIONERS
OCTOBER 28, 2004**

I. BUDGET

The Commission's FY 2004 revised budget provides a total of \$1,270,686 for the agency (\$1,037,645 in general/state revenue and \$233,041 in federal revenue). The revised budget authorizes 15 full time equivalent (FTE) positions. The revised budget amount is \$104,588 more than enacted and includes \$116,557 to be applied to the negative balance (\$265,694) carried forward into FY 2004.

On August 16, Chief Clerk Betsy Ross and I met with Budget Analyst Theo Toe to discuss FY 2005 (Revised) and FY 2006 budget particulars. (See attached Agency Summary for details of these two budgets.) Mr. Toe indicated that the negative federal fund balance (referred to above) should be eliminated by the end of this fiscal year.

The formal FY 2005 Revised and FY 2006 Budget Requests were forwarded to the Governor on August 19. To obtain or review a copy, please see Betsy Ross.

II. FEDERAL CONTRACTS

EEOC – The FY 2005 contract has yet to be determined. Thanks to the efforts of Commissioners and staff, we closed a record 363 co-filed cases for EEOC FY 04 (ending 9/30/04). While we were eight

(8) cases shy of the 371 cases called for in the FY 04 contract, EEOC has advised that there will be no penalty.

HUD – Per our FY 05 HUD contract, the Commission will be compensated for the record 38 co-filed housing cases completed in FY 2004 (\$82,520). For FY 05 (as of 10/20/04), according to HUD Project Director Angela Lovegrove, we have taken in nine (9) new housing charges, seven (7) of which are co-filed with HUD. In that same period, we have processed eight (8) housing cases, six (6) of which are co-filed.

III. PERSONNEL

The Commission received approval to post and fill the Senior Compliance Officer position left vacant when Marlene Colon Toribio was promoted to the position of EEOC Project Director. The position is now posted and applications are being accepted.

IV. OUTREACH

See attached report.

V. GENERAL STATUS

●Meetings with staff members – I continue to meet with

individual investigative staff members on a monthly basis to monitor case production. In July, I implemented a random “spot check” policy to identify any cases in which action is delayed.

¶Case Closures – Refer to attached report. Statistics for the first three months of FY 05 reveal that, despite our staffing shortages, we are AHEAD of where we were this time last year in terms of case processing.

¶Aged Cases – Refer to attached report. Progress continues to be made on decreasing the aged caseload. The Commission successfully reduced the aged caseload by 81.2% (from 85 to 16 cases) in EEOC FY 04. Continued progress in this area should result in having no aged cases in investigation within the next 3-4 months.

¶Fiscal Fitness Project

The Commission has complied with all requests to date in a timely manner.

¶Commissioner (Re)Appointments – On August 16, I received a message from Deborah Smith, Governor’s Director of Municipal Affairs & Appointments, advising that the Governor 1) had approved the reappointments of Commissioners Lowman and Williams, and 2) had nominated Alton Wiley, Jr. to fill the position vacated by Richard Ferland. Ms. Smith advised that the Senate did not act on the reappointments/nomination in a timely manner, so the matter will

have to wait until the RI General Assembly is back in session in January 2005. She specifically stated that Commissioners Lowman and Williams could continue acting in their current capacity.

On August 18, I spoke directly with an assistant in Ms. Smith's office. She clarified that the Governor had signed the nominations for Alton Wiley, Jr. and Commissioner Williams on June 2, but that the Legislative Director did not forward them to the Senate as it was too late. She was uncertain as to why Commissioner Lowman's nomination hadn't been signed. She stated that she would "re-date" the nominations for Wiley and Williams in January 2005 and forward them to the Senate. With respect to Commissioners Lowman and Gomes (whose term expired July 2004), she indicated that she would have the Governor review their packets and prepare nomination letters also to be sent to the Senate in January.

- Miscellaneous

-The Performance Audit by the Department of Admin./Bureau of Audits has been completed. Mary Murphy, who conducted the audit, is in the process of preparing her final report.

-Thanks to the diligence and creativity of Intern Susan Pracht, the Commission's FY 2004 Annual Report is in the final edit stage. We expect to have a finalized version for Dr. Susa's review/signature and transmittal to the Governor within two (2) weeks. It is my intention to forward copies of the Annual Report to members of the RI Judiciary as well as to the customary recipients.

-Two grievances have been filed against the Commission related to 1) interpreting services provided by staff, and 2) payment of Union dues by temporary employees (Jay Flanders and Susan Pracht). The third-level hearing was held on October 19. We are awaiting the decision.

Respectfully submitted,

Michael D. Évora

Executive Director

Attachments